

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 TODD R. SMITH,) 3:07-cv-00396-ECR-WGC
8 Plaintiff,)
9 vs.) **Order**
10 EDWARD P. OWENS, et al.,)
11 Defendants.)
12)

This action was set for trial in November of 2009, and stayed
due to Defendant Owens' filing of bankruptcy. On January 31, 2012,
Plaintiff Smith notified (#131) the Court that Defendant Owens was
granted a discharge from bankruptcy. The Court ordered (#132) the
parties to file contemporaneous memoranda of points and authorities
regarding the status of the case. The parties did so (##134, 136,
136, 138) and a status conference was held by the Magistrate Judge.

Defendant Owens has not appeared in the case since his submission of a Notice (#133) of Discharge of Debtor. The Notice (#133) provides that Plaintiff's claims against Owens were discharged by bankruptcy. Defendant Owens' counterclaims were abandoned by the trustee, but Defendant Owens has not filed any documents since the Notice (#133) of Discharge, nor did he appear for the status conference.

1 The Magistrate Judge recommends that all of the claims against
2 Defendant Owens, and all those he may assert with respect to the
3 abandoned claims, should be dismissed in their entirety, and that
4 Defendant Owens be dismissed as a party in this action. (Aug. 6,
5 2012 Minutes at 2 (#142).)

6 **IT IS, THEREFORE, HEREBY ORDERED** that the claims against and by
7 Defendant Owens are **DISMISSED**. Defendant Owens shall be dismissed
8 as a party herein.

11 DATED: August 27, 2012.

Edward C. Reed.
UNITED STATES DISTRICT JUDGE